

REMARKS

Claims 1 to 20 are now pending. Claims 1, 10 and 15 have been amended. Support for these amendments is found in at least the Specification. No new matter has been added.

Applicant respectfully requests reconsideration of the present application in view of this amendment and response.

Claims 1, 2, 5, 7 and 10 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,485,370 to Moss et al. (the "Moss reference").

Applicant respectfully submits that any review of the Moss reference makes plain that it simply does not in any way identically disclose or suggest an apparatus as claimed in amended claim 1, or a method as claimed in amended claim 10.

Specifically, the Moss reference does not in any way identically (as it must for anticipation) disclose or suggest an apparatus that includes a "control and operating device executing a user interface to control and operate the service" wherein the control and operating device is assigned to the user-side terminal and the at least one network server transmits the user interface program to the control and operating device before the service is used, the user-side terminal capable of being independent of the service, as in amended claim 1. Claim 1 as rewritten requires that the control and operating device is assigned to the user-side terminal and that the at least one network server transmits the user interface program to the control and operating device before the service is used. And, the user interface program is configured to implement the service. Moreover, amended claim 1 provides that the user-side terminal is capable of being independent of the service; that is, the network-based service can be used by a user without requiring that the user-side terminal be specifically adjusted to that service. See Specification.

The Moss reference does not identically disclose or even suggest the foregoing features of claim 1. The Moss reference purportedly concerns a system providing communication between a home terminal such as a telephone, and a service provider such as a financial institution. See Moss reference, Abstract. Apparently, the system's application software transforms user commands into commands understood by the service provider's system, and a network host computer of the system provides messages to the home terminal to obtain required information from the user and then communicates this information to the service provider. See Moss reference, Abstract.

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In stark contrast to claim 1 of the above-identified application discussed above, the Moss reference purportedly discloses use of a network-based system which downloads updated versions of a user's application programs automatically each time the user connects to the network. See Moss reference, col. 3, ll. 48-53. That is, it is understood (and agreed to by the Office Action) that the user's computer having, e.g., application X1999 may be automatically updated to applications X2000 – the user's computer contains the application and the downloads from the network are dependent on the application stored by the user's computer. See also, Moss reference, col. 12, ll. 50-61, and col. 5, ll. 21-26. Applicant also respectfully incorporates by reference herein Applicant's earlier statement in prior-filed responses to Office Actions for the above-identified application.

Applicant respectfully submits that the Moss reference does not anticipate claim 1 since it does not identically disclose the amended claim 1 features discussed above, and that claim 1 as rewritten above is therefore allowable.

Since claims 2, 5 and 7 depend from claim 1, these claims are allowable for at least the same reasons as claim 1.

Since claim 10 includes features analogous to those of claim 1, claim 10 is allowable for essentially the same reasons as claim 1.

Accordingly, Applicant respectfully submits that claims 1, 2, 5, 7 and 10, are in a condition for allowance, and withdrawal of the rejection under 35 U.S.C. § 102(b) in view of the Moss reference is respectfully requested.

Claims 3, 4, 6, 8, 9, 11 to 14, and 16 to 20, were rejected under 35 U.S.C. § 103(a) as unpatentable over the Moss reference in view of U.S. Patent No. 5,838,682 to Dekelbaum et al. (the "Dekelbaum reference").

Claims 3, 4, 6, 8, 9, and 11 to 14, depend, either directly or indirectly from one of amended claims 1 and 10. As discussed above the Moss reference does not in any way disclose or suggest the features of any of amended claims 1 and 10.

The Dekelbaum reference does not cure the critical deficiencies of the Moss reference. The Dekelbaum reference purportedly concerns an internet type access system that includes an autodialer for automatically establishing communications with a merchant's facility over a switch network while maintaining internet connectivity over a packet data network. See Dekelbaum reference, Abstract. As characterized, the autodialer coordinates between the

internet session and the switched connection with the merchant's server. See Dekelbaum reference, Abstract.

The Dekelbaum reference does not disclose or even suggest an apparatus that includes a control and operating device executing a user interface to control and operate the service wherein the control and operating device is assigned to the user-side terminal and the at least one network server transmits the user interface program to the control and operating device before the service is used, the user-side terminal capable of being independent of the service, as in claim 1.

As discussed, claim 10 includes features analogous to claim 1, and is therefore allowable for essentially the same reasons as claim 1.

Since claims 3, 4, 6, 8, 9, and 11 to 14, depend, either directly or indirectly from one of claims 1 and 10, those claims are allowable for essentially the same reasons as at least one of the claims 1 and 10.

Accordingly, Applicant respectfully submits that claims 3, 4, 6, 8, 9, and 11 to 14, are in a condition for allowance, and withdrawal of the rejection under 35 U.S.C. §103(a) under the Moss reference in view of the Dekelbaum reference is respectfully requested.

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Moss reference in view of U.S. Patent No. 5,321,840 to Ahlin et al. (the "Ahlin reference").

Amended claim 15 includes features analogous to those of claim 1, and is therefore allowable over the Moss reference for essentially the same reasons as claim 1 (discussed above).

The Ahlin reference does not cure the critical deficiencies of the Moss reference. The Ahlin reference purportedly concerns a user terminal for accessing service computers and has a single board computer including a microprocessor remotely reconfigurable programmable gate array logic, several types of solid-state memory, and various input-output units. Ahlin reference, Abstract.

In contrast, amended claim 15 recites an apparatus for using a service in a telecommunications network, the apparatus comprising:

- means for providing at least one user-interface providing an operating functionality;
- means for serving a network and for storing at least one user-interface;
- means for requesting transmission of the at least one user-interface to the
- means for requesting, before the service is used;

means for executing the at least one user interface so that the service is controllable and operable by the user through the at least one user interface; and means for removing the at least one user interface after the service is used.

Neither the Moss reference nor the Ahlin reference nor the combination of references teach or suggest the features of now amended claim 15 requiring means for requesting transmission of the at least one user-interface to the means for requesting, before the service is used, means for executing the at least one user interface so that the service is controllable and operable by the user through the at least one user interface; and means for removing the at least one user interface after the service is used. In contrast, the Ahlin reference, for example, states that the random access memory 36 will normally be used to store application programs downloaded from a remote host, but also stores reconfiguration code when first received, prior to its being copied into the FLASH-EPROM. Ahlin reference, col. 9, lines 54-58. As agreed in the Office Action, "Moss does not specifically teach of removing the user interface." Applicant further submits that not only does Moss and/or Ahlin not teach or suggest means for removing the at least one user interface, but that Moss and/or Ahlin do not teach or suggest means for removing the at least one user interface after the service is used. Instead, if correctly stated in the Office Action, the Moss reference might indicate that a system can update stored user interface programs, unlike as in claim 15.

Accordingly, Applicant respectfully submits that claim 15 is in a condition for allowance, and withdrawal of the rejection under 35 U.S.C. §103(a) under the Moss reference in view of the Ahlin reference is respectfully requested.

Claims 16 to 20 were rejected under 35 U.S.C. §103(a) over the Moss reference in view of the Ahlin reference and further in view of the Dekelbaum reference.

Since claims 16 to 20 depend, either directly or indirectly from claim 15, those claims are allowable for essentially the same reasons as claim 15 over the Moss reference and the Dekelbaum reference.

The Dekelbaum reference, discussed above, does not cure the critical deficiencies of the Moss reference and the Ahlin reference. For example, the Dekelbaum reference does not teach or suggest means for removing the at least one user interface after the service is used, as in claims 15 to 20.

Accordingly, Applicant respectfully submits that claims 16 to 20 are in a condition for allowance, and withdrawal of the rejection under 35 U.S.C. §103(a) under the Moss reference

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in view of the Ahlin reference and further in view of the Dekelbaum reference is respectfully requested.

Claims 1, 10 and 15 were amended without prejudice to further clarify the claimed invention. These amendments do not add new matter, and it is respectfully requested that they be entered. Attached hereto is an Amendment Version With Markings showing any additions by underlining and any deletions by bracketing to claims 1, 10 and 15.

CONCLUSION

In view of all of the above, it is believed that rejections of claims 1 to 20 have been obviated, and that currently pending claims 1 to 20 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

If it is believed that it would further allowance of the present application, the Examiner is invited to contact the undersigned via telephone at 1-212-908-6385, at any time.

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AMENDMENT VERSION WITH MARKINGS

IN THE CLAIMS:

Please amend without prejudice claims 1, 10 and 15 as follows:

1. (Five times amended) An apparatus for using a service made available in a telecommunications network, the apparatus comprising:

at least one network server having a user interface program, the user interface program being configured to implement the service;

a user-side terminal, the user-side terminal being capable of connection to the at least one network server; and

a control and operating device executing a user interface to control and operate the service;

wherein the control and operating device is assigned to the user-side terminal and the at least one network server transmits the user interface program to the control and operating device before the service is used, the user-side terminal capable of being independent of the service so that the service does not depend upon an associated application previously stored in the user-side terminal.

10. (Four times amended) A method for using a service made available in a telecommunications network wherein at least one network server stores at least one user interface program, the at least one user interface program providing operating functionality, said method comprising:

using a user-side control and operating device or terminal to request the at least one user interface program to be transmitted from the at least one network server to the control and operating device before the service is used, and

executing the user interface program by the control and operating device, so that an operator can control and operate the service through a user interface,

wherein the user-side control and operating device or terminal is configured independent of the service so that the service does not depend upon an associated application previously stored in the user-side terminal.

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15. (Twice amended) An apparatus for using a service in a telecommunications network, the apparatus comprising:

means for providing at least one user-interface providing an operating functionality;

means for serving a network and for storing at least one user-interface;

means for requesting transmission of the at least one user-interface to the means for requesting, before the service is used;

means for executing the at least one user interface so that the service is controllable and operable by the user through the at least one user interface; and

means for removing the at least one user interface after the service is used.